

April 16, 2021

BY ELECTRONIC MAIL

Stephanie Schwarz
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Pesticides & Toxic Substances Law Office
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**Re: Notice of Substitution of BASF as the Petitioner Regarding the Petition to
Cancel Consus' Glufosinate Registrations Filed by Bayer**

Dear Ms. Schwarz:

On March 14, 2018, Bayer CropScience LP ("Bayer") submitted a petition to deny the application of Consus Chemicals, LLC ("Consus") to register a technical product containing glufosinate-ammonium, and to deny or cancel any related Consus glufosinate applications or registrations under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). In your letter to the parties dated July 15, 2020, you indicated that because EPA issued the technical registration on May 23, 2018, EPA would address Bayer's Petition as a petition to cancel. To our knowledge, EPA has not yet issued its decision on the Petition, which remains pending.

On April 26, 2019, EPA approved Bayer's request to transfer its data rights in the relevant glufosinate data to BASF Corporation, and undersigned counsel has been retained to represent BASF in this matter. *See* Enclosures. Because BASF now holds the relevant data rights, BASF respectfully requests that EPA note the substitution of BASF for Bayer as the petitioner with respect to any further proceedings regarding the pending Petition. Thank you in advance for your consideration of this request.

Sincerely,



Anthony L. Michaels
Counsel for BASF Corporation

cc: James Rathvon, Esq., Counsel for Consus Chemicals, LLC

Enclosures: 2018 Transfer of Data and Compensation Rights; 2019 EPA Approval Letter